

Minutes of the Ashburnham Zoning Board of Appeals  
February 25, 2009

**Hearing: #08-14**  
**Time: 7:30 PM**  
**Variance: Section 4.2**  
**Deliberations**

Present: Joseph Daigle - Acting Chair, Donna Brooks, Cheryl Anderson and Terry Girouard,  
Acting Clerk

Absent: David Perry - Chairman

1. Discussion on non-conforming Schedule of Dimensional Requirement issues, being roof overhang, front deck and height
2. Front deck doesn't impede into setback any worse than roof overhang. Donna makes motion to grant front setback with conditions. Cheryl seconds. Joe asks for further discussion.
  1. Condition for front setback stamped metes and bounds survey including all setbacks and foundation dimensions. One copy to Zoning Enforcement Officer and one to ZBA, stamped by registered land surveyor.
  2. Condition that front encroachment not to exceed eight feet on front setback

Vote: Unanimous to grant relief from front setback with conditions.

3. Cheryl makes motion to deny height Variance. Donna seconds.
4. Discussion on height
  1. Derogates from the intent of the Bylaw.
  2. Doesn't meet the requirements for a Variance.
  3. Must remain no taller than 35 feet from the mean grade.

Vote: Unanimous to deny height Variance

Deliberation 08-14 concludes at 8:12 PM

8:20 PM Joe resumes clerk duties

Board discusses past minutes

1. Cheryl makes motion to accept the minutes of October 22, 2008  
Donna seconds  
Vote: Unanimous to accept
2. Cheryl makes motion to accept the minutes of January 21, 2009

Donna seconds with change to #6 (Add: Appellant did not provide requested documents)  
Vote to accept minutes with change: Joe, Terry, Cheryl, and Donna (David abstained)

3. Donna makes motion to accept the minutes of February 4, 2009 (with changes)  
Cheryl seconds
  - A. Donna makes change to #3 (Add: Ralph Roman III is a former employee of Global Engineering and holds no engineering credentials)
  - B. Terry makes change to #2A (3 pages, not 13)
  - C. Vote to accept the minutes with changes: Joe, Terry, Cheryl and Donna (David abstained)
4. Mr. Mark Dymek appears before the Board to discuss plans and permits for the 40B "Whitney Park"
  - A. Submits set of plans containing 24 pages "Definitive Site Development Plan"
  - B. Cheryl asked if Rizzo has been paid
  - C. Mark provides receipts from Rizzo – 1 Sheet
  - D. Mark provides email from Debbie – 1 Sheet
  - E. Mark provides letter from Rizzo – 2 Sheets
  - F. Mark provides balance sheet of 53G Account – 1 Sheet
5. Cheryl makes motion to pay Rizzo's bill of \$128.70 of April 1, 2008
  - A. 2<sup>nd</sup>: Donna
  - B. Vote: Unanimous
6. Cheryl makes motion to pay Rizzo's bill of \$543.69 of November 11, 2008
  - A. 2<sup>nd</sup>: Donna
  - B. Vote: Unanimous
7. Mark submits:
  - A. Letter from Mass Housing - #1 of 3 – 1 Sheet
  - B. Letter from Mass Energy and Environmental Affairs - #2 of 3 – 2 Sheets
  - C. Letter from EPA - #3 of 3 – 2 Sheets
8. Cheryl makes motion to accept plans, bills paid, sign 1 Building Permit, and authorize David, as chairman, to sign Building Permits in the future
  - A. 2<sup>nd</sup>: Donna
  - B. Vote: Unanimous
9. Motion to adjourn – Terry
  - A. 2<sup>nd</sup>: Donna
  - B. Vote: Unanimous at 9:12 PM

Respectfully submitted be Joseph Daigle, Clerk